

DRAFT

Ms. Allison Jones
Executive Vice President
National Alliance of Independent Crop Consultants
349 E. Nolley Drive
Collierville, TN 38017

Dear Ms. Jones:

The purpose of this letter is to respond to your June 26, 2002 written request seeking EPA's acknowledgment that the Certified Professional Crop Consultant-Researcher (CPCC-R) Program of the National Alliance of Independent Crop Consultants (NAICC) is an appropriate certification program for the WPS crop-advisor exemption.

EPA has reviewed NAICC's CPCC-R Program and concluded that the program includes all of the requirements set forth in EPA's 1996 Guidance, as described below. Therefore, EPA hereby acknowledges in writing that NAICC's CPCC-R Program is appropriate for the WPS crop-advisor exemption.

In May 1995, EPA amended the Worker Protection Standard (WPS), 40 CFR170, to exempt certain certified or licensed crop advisors (and persons under their direct supervision) performing crop advising tasks from specific WPS requirements (60 FR 21948, May 3, 1995) (hereinafter referred to as the "WPS crop-advisor exemption"). In order to qualify for the WPS crop-advisor exemption, the crop advisor must be certified or licensed as a crop advisor under a program acknowledged as appropriate in writing by EPA or a State or Tribal lead agency for pesticide enforcement.

In 1996 EPA issued a *Guidance to States for Approving and Developing Programs Which Recognize Crop Advisors Qualified for the Worker Protection Standard's Crop-Advisor Exemption*. The Guidance identifies the minimum requirements that EPA expects in any crop advisor certification or license program acknowledged by EPA for the WPS crop-advisor exemption. The Guidance also recommends that these same requirements be included in any certification or license program that a State or Tribe acknowledges or develops for the WPS crop-advisor exemption.

In 1996 EPA reviewed the Certified Professional Crop Consultant (CPCC) Program of the NAICC and the Certified Crop Advisor (CCA) Program of the Agronomy Society of America (ASA) and concluded that both programs included all of the requirements set forth in EPA's 1996 Guidance. Accordingly, EPA acknowledged in writing that NAICC's CPCC Program and ASA's

CCA Program are appropriate for the WPS crop-advisor exemption.

Also, pursuant to your request letter, EPA is informing the State and Tribal lead agencies for pesticide enforcement of this decision today (see enclosure). To date, EPA has acknowledged in writing that NAICC's CPCC Program and CPCC-R Program, as well as ASA's CCA Program, are appropriate for the WPS crop-advisor exemption. Accordingly, under EPA's regulations at 40 CFR §§ 170.104 and 170.204, provided that all other specified regulatory requirements are met, an individual certified or licensed as a crop advisor under NAICC's CPCC Program, NAICC's CPCC-R Program, or ASA's CCA Program, and persons under the direct supervision of that certified individual, are exempt from specific WPS requirements while performing crop advising tasks in treated areas.

If you have any questions, please contact Kevin Keaney, Chief of the Certification and Worker Protection Branch at 703-305-7666.

Sincerely,

Jay Ellenberger, Acting Director
Field and External Affairs Division

Enclosure

cc: Jim Jones
Anne Lindsay
Kevin Keaney